

FIVE YEAR REVIEW REPORT

FOR

MERCED COUNTY SOLID WASTE REGIONAL AGENCY

PREPARED BY

MERCED COUNTY DEPARTMENT OF PUBLIC WORKS, SOLID
WASTE DIVISION

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INTRODUCTION

The County Integrated Waste Management Plan (CIWMP) is comprised of the Source Reduction and Recycling Elements (SRRE's); Household Hazardous Waste Elements (HHWE's); and, Non-Disposal Facility Elements (NDFE's) from each of the seven jurisdictions within the county; and, the Countywide Siting Element (CSE) and Summary Plan. Each of these documents outlines how Merced County will attain the goals of the California Integrated Waste Management Act of 1989 (CIWMA).

The CIWMA requires cities and counties in California to reduce the amount of solid waste disposed and transformed by 25% by 1995 and by 50% by the year 2000 and beyond. The purpose of the CIWMA is to reduce, recycle and reuse solid waste generated to the maximum extent feasible.

In order to be considered in compliance with the CIWMA, jurisdictions are required to implement a waste hierarchy. The waste hierarchy, according to Public Resources Code, Section 40051, in order of priority, is:

- Source Reduction;
- Recycling and composting; and,
- Environmentally safe transformation and landfill disposal.

[See Attachment 1, PRC 40051]

BACKGROUND

Public Resources Code (PRC), Section 41822, requires each city and the county to review the Countywide Integrated Waste Management Plan (CIWMP) at least once every five years. The purpose of the review is to:

- Review compliance with the CIWMP;
- Determine whether or not individual elements of the CIWMP are in need of a revision; and,
- Provide a timeline of tasks for revising the CIWMP, should the review find that a revision is necessary

[See Attachment 2, PRC 41822]

In a letter dated July 21, 2000, the California Integrated Waste Management Board (CIWMB), Office of Local Assistance, clarified the CIWMB's oversight of the five year review process. The CIWMB reminded each jurisdiction that the five year review process is to be carried out as per Title 14 of the California Code of Regulation (CCR) Section 18788

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CCR, Section 18788 is summarized as follows:

Prior to the fifth anniversary of CIWMB approval of the Countywide Integrated Waste Management Plan (CIWMP), or its most recent revision, each Jurisdiction's or Regional Agency's Local Task Force (LTF) shall complete a review of the CIWMP in accordance with Public Resources Code, Sections 40051, 40052 and 41822, to assure that the Regional Agency's waste management practices are consistent with the waste hierarchy as defined in Public Resources Code, Section 40051. As stated above, the waste hierarchy, in order of priority, is: Source reduction; Recycling/composting; and, landfill/transformation.

CCR, Section 18788, A through H, states that the Five Year Review Report shall address each of the following:

- A. Changes in demographics;
- B. Changes in quantities of waste generated;
- C. Changes in funding sources for administration of the Countywide Siting Element and Summary Plan;
- D. Changes in administrative responsibilities;
- E. Program implementation status;
- F. Changes in permitted disposal capacity and quantities of waste disposed;
- G. Changes in available markets for recyclables;
- H. Changes in the implementation schedule; and,
- I. Additional Information

[See Attachment 3, CCR 18788]

The CIWMB further clarified that a revision to the CIWMP is only required if either the jurisdiction, upon completion of the Five Year Review Report, determines that a revision is necessary, or, if the CIWMB, upon Board approval or disapproval of the Five Year Review, determines that a revision is necessary. The letter further stated that CIWMB legal staff has determined that jurisdictions can utilize their Annual Reports to update program information when a jurisdiction has made the finding that a revision is not necessary.

Within 90 days of receipt of the Five Year Review Report, the CIWMB shall review the county's findings, and approve or disapprove the findings by Resolution, as determined during a public hearing. Within 30 days of its action, the Board shall send a copy of its Resolution to the LTF and the county. If the CIWMB identifies areas that require revision, the CIWMB shall identify those areas in its Resolution.

[See Attachment 4, July 21, 2000 CIWMB letter to Merced County Regional Agency]

CALIFORNIA CODE OF REGULATIONS, SECTION 18788, ISSUES A THROUGH H.

PART A: CHANGES IN DEMOGRAPHICS

The calculation for the Regional Agency's diversion rate is derived by using CIWMB-established adjustment factors. There are four factors used in the adjustment method, the same four factors that make up the demographics for Merced County. These factors are: Population; Employment; Taxable sales; and, Consumer Price Index.

Tables 1 through 4 depict changes in demographics in the year 2000 over 1990 figures. The Regional Agency has experienced a moderate growth in population, while the increase in employment remains low.

TABLE 1

POPULATION	1990	2000	Change	% Change
Merced County	178,403	210,554	32,151	18.0

TABLE 2

EMPLOYMENT	1990	2000	Change	% Change
Merced County	71,100	72,900	1,800	2.53%

TABLE 3

TAXABLE SALES	1990	2000	Change	% Change
Merced County	1,057,141,000	1,740,300,000	683,159,000	64.6%

TABLE 4

CPI	1990	2000	Change	% Change
Statewide CPI	135	174.8	39.8	29.48%

Source: California Department of Finance, Demographic Research Unit, California State Census Data Center

Merced County has experienced an 18% increase in population by the year 2000 over 1990 figures. Taxable sales increase and the consumer price index increase appear to be commensurate with the increase in population.

However, the limited increase in employment of only 2.53% in the year 2000 over 1990 figures is disproportionate by comparison. Due its historically high level of unemployment, Merced County was designated by an Executive Order as part of the Central San Joaquin Valley Empowerment Initiative in October of 2000.

The Executive Order established an *Interagency Task Force on the Economic Development of the Central San Joaquin Valley*. The initiative takes a comprehensive approach to the economic development of the valley by taking into consideration multiple aspects of economic well being including business; infrastructure; education; health; and, housing.

A relatively moderate increase in population, coupled with historically high unemployment rates, may partly explain why waste generation within the Regional Agency remained virtually constant over the ten year period 1990 to 2000. Part B examines changes in quantities of waste generated.

PART B: CHANGES IN QUANTITIES OF WASTE GENERATED

Overall, Merced County saw an increase in waste generation of 15% by the year 2000 over 1990 waste generation figures. Waste generation has increased at a lesser rate than population increase. Therefore, the change in quantities of waste generated within the Regional Agency is minimal. The change in waste generation is depicted in Table 5 below.

TABLE 5

CHANGES IN QUANTITIES OF WASTE GENERATED

TONS WASTE GENERATED*	1990	2000	CHANGE	% CHANGE
Merced County	349,127	402,533	53,406	15.30%

*CIWMB Approved Reporting Year Waste Generation, 1990 and 2000

PART C: CHANGES IN FUNDING SOURCES FOR ADMINISTRATION OF THE SITING ELEMENT AND SUMMARY PLAN

No changes have occurred in the funding sources for the administration of the Countywide Siting Element and Summary Plan. The Solid Waste Policy Board manages the Solid Waste Enterprise fund. The Solid Waste Enterprise fund is generated from tipping fees at the county's two landfills.

PART D: CHANGES IN ADMINISTRATIVE RESPONSIBILITIES

No changes have occurred in the basic administrative responsibilities for compliance with the CIWMP. There are two administrative agencies responsible for ensuring

compliance with the CIWMP, the County of Merced and the Merced County Association of Governments.

County of Merced

As per Article III of the Merced County Solid Waste Disposal Agreement (1972; amended 1995), the County of Merced shall:

- Administer and execute the solid waste handling and disposal responsibilities of this agreement;
- Administer, implement, report and track solid waste diversion programs on behalf of the member agencies; and,
- Administer and operate the solid waste facilities.

Merced County Association of Governments

Article IV of the Agreement establishes a policy board, all of whom are voting members of the Merced County Association of Governments (MCAG).

The Solid Waste Policy Board (SWPB) shall:

- Exercise legal power to initiate solid waste policies, and to address solid waste issues and concerns; and,
- Make decisions on waste management issues relating to waste reduction mandates, including the selection, implementation and funding of diversion programs. Said decisions are binding upon the member agencies of the regional agency.

In addition, as per each adopted SRRE, MCAG is charged with Implementing and monitoring the countywide public education and information program.

PARTS E AND H COMBINED: PROGRAM IMPLEMENTATION AND CHANGES IN
THE IMPLEMENTATION SCHEDULE

The Regional Agency finds the goals, objectives and policies as outlined in the SRRE and HHWE elements to be applicable and consistent with PRC 40051 and 40052. Additionally, the Regional Agency finds that its program implementation is sufficiently updated to reflect current program selection and implementation, in order for the Regional Agency to achieve and maintain the 50% diversion mandate.

Updated program implementation is adequately reflected in the following documents:

- Regional Agency's Year 2000 and 2001 Annual Reports to the CIWMB;
- CIWMB's Planning Annual Report Information System (PARIS), 2000 and 2001 **[See Attachment 5, 2000 and 2001 PARIS Update];**
- CIWMB Resolution 2002-394, whereby the CIWMB found the Regional Agency to be in compliance with its SRRE and HHWE programs, and in compliance with PRC Section 41780 **[See Attachment 6, CIWMB Resolution 2002-394].**

However, the Regional Agency acknowledges CIWMB staff's concern with the seven individual SRRE's contained in the CIWMP, wherein each city and the county approved SRRE's to achieve 25% and 50% waste reduction on a jurisdiction by jurisdiction basis. CIWMB staff addressed this concern in a letter to Merced County dated November 4, 2002 and again on March 6, 2003. In each letter, CIWMB staff requested Merced County to:

"...address its conflicting documents and clarify which programs the Regional Agency has selected, on a regionwide basis, in the upcoming five year review of its Regional Agency Integrated Waste Management Plan."

[See Attachments 5 & 6, and March 6, 2003 and November 4, 2002 CIWMB letters to Merced County Regional Agency, respectively]

In response to these concerns, the Regional Agency wishes to clarify its regional program selection and implementation schedule by presenting the CIWMB with its *Diversion Status Program Options & Recommended Program Selection Report*, adopted by the Regional Agency's Solid Waste Policy Board in October of 1999

[See Appendix 1, *Diversion Status Program Options & Recommended Program Selection Report*]

In October 1999, the Solid Waste Policy Board (SWPB) approved a three-program strategy designed to achieve a minimum 50% diversion rate by the year 2000. This strategy outlined a course of action whereby three programs, regional curbside yard waste collection; a special landfill diversion program; and, transformation credits would be combined in order to achieve 50% diversion by the year 2000 and beyond. Virtually all programs approved by the SWPB in October 1999 have been implemented, or are in the process of being implemented, by the Regional Agency. The current program implementation status and implementation schedule is outlined in Table 6 on page 7.

[See Attachment 7, October 1999 Agenda Item to the Solid Waste Policy Board]

Regional Curbside Green Waste Collection

Five of the seven jurisdictions within the Regional Agency have implemented a curbside green waste program. In August of 2001, the County of Merced began a residential curbside green waste program. For the 12 month period August 2001 through August 2002, 19% of the County's unincorporated residential waste stream was captured, accounting for approximately 2.5% of the Regional Agency's overall diversion rate.

The Cities of Atwater, Los Banos and Merced began residential curbside green waste collection in April of 2003. The City of Gustine's curbside green waste collection program is ongoing. The Regional Agency expects to maintain a minimum 50% diversion rate for the coming years, and will likely exceed the 50% diversion rate.

Highway 59 Landfill Special Diversion

The Special Diversion Program consists of inspection of all commercial and self-haul loads as they enter the Highway 59 Landfill. Loads found to contain significant inert material (organics, inerts, metals, other) are segregated and sorted to recover

recyclable material. Total active landfill diversion increased 4.5% in the year 2000 over 1999 figures, as a direct result of the special landfill diversion program, and accounts for approximately 3% of the Regional Agency's overall diversion rate.

Transformation Credit

The Regional Agency sought transformation credits on its year 2000 and 2001 Annual Reports. Transformation tonnage reported by the Regional Agency was 10,940 tons and 10,333 tons in 2000 and 2001, respectively. The Transformation Credit accounts for approximately 3% of the Regional Agency's overall diversion rate.

TABLE 6

CURBSIDE YARD WASTE

	SELECTED	IMPLEMENTED	PARIS UPDATED	CIWMB APPROVED
Atwater	Nov-02	Mar-03	2001	01/02 Biennial Review: PENDING
Dos Palos				
Gustine	Ongoing	Ongoing		99/00 Biennial Review
Livingston				
Los Banos	Mar-03	Apr-03	Pending 02 Annual Report	01/02 Biennial Review: PENDING
Merced	Nov-01	Apr-03	2001	01/02 Biennial Review: PENDING
Unincorp.	Jun-01	Aug-01	2000	99/00 Biennial Review

SPECIAL LANDFILL DIVERSION

SELECTED	TONS	PARIS UPDATED	CIWMB APPROVED
OCT-99	3,324	1999	99/00 Biennial Review
2000	10,746	2000	99/00 Biennial Review

TRANSFORMATION

SELECTED	TONS	REPORTED	CIWMB APPROVED
2000	10,940	2000	99/00 Biennial Review
2001	10,333	2001	01/02 Biennial Review: PENDING

PART F: CHANGES IN PERMITTED DISPOSAL CAPACITY AND CHANGES IN QUANTITIES OF WASTE DISPOSED

Changes in Permitted Disposal Capacity

In 2000, the Siting Element was amended in order to reflect an expansion (boundary increase) to each of the County's two landfills, the Highway 59 landfill and the Billy Wright Landfill. The purpose for expanding each landfill was to provide Merced County with greater than 15 years of landfill capacity, as required by AB 939.

In a July 20, 2000 letter to CIWMB staff person Mr. Gregory Dick, Merced County requested a Siting Element amendment in order to reflect the boundary increase at each landfill. However, actual landfill capacity calculations were not included in this Siting Element amendment as this information was not available at the close of the amendment process. Hence, a second amendment is necessary, as stated in the letter to Mr. Gregory Dick: *"When the expanded landfill design is completed and the new capacity determined, the second amendment process will be submitted..."*

Upon Regional Water Quality Control Board's (RWQCB) approval of the final design of the expansion cell, Merced County Regional Agency staff will prepare the amendments to the Siting Element and bring them before the Solid Waste Policy Board and Board of Supervisors for formal adoption; during this process, staff will call upon the LTF for comment. The amended Siting Element will then be submitted to the CIWMB for approval.

The process for amending the Siting Element is as follows:

- Siting Element amendment to reflect actual landfill capacity
- Local Task Force (LTF) agenda and comments
- Evidence of compliance (Notice of Determination) with CEQA
- Documentation that member jurisdictions were notified of the Siting Element amendment
- Proof of 30 day public notice of the amendment, prior to Merced County Board of Supervisors' adopting the amended Siting Element
- Merced County Board of Supervisors' Resolution adopting the Siting Element amendment
- Merced County Board of Supervisors' Resolution stating the Siting Element amendment is consistent with the General Plan

[See Attachment 8, July 20, 2000 Merced County Siting Element Amendment Request to CIWMB Staff Person Mr. Gregory Dick]

Changes in Quantities of Waste Disposed

Waste disposal has increased at a lesser rate than population increase. Therefore, the change in quantities of waste disposed within the Regional Agency is minimal. Changes in quantities of waste disposed for the five year period 1995 through 2000 is depicted in Table 7 below.

TABLE 7

CHANGES IN QUANTITIES OF WASTE DISPOSED

	1995	1996	CHANGE	% CHANGE
TONS DISPOSED*	179,657	181,818	2,161	1.20%
	1996	1997	CHANGE	% CHANGE
TONS DISPOSED*	181,818	189,227	7,409	4.07%
	1997	1998	CHANGE	% CHANGE
TONS DISPOSED*	189,227	208,485	19,258	10.18%
	1998	1999	CHANGE	% CHANGE
TONS DISPOSED*	208,485	216,482	7,997	3.84%
	1999	2000	CHANGE	% CHANGE
TONS DISPOSED*	216,482	216,868	386	0.18%

*Source: CIWMB Disposal Report System

1998 waste disposal figures increased 10% over 1997 waste disposal figures, the greatest increase during the five year period. This could be attributed in large part to a demolition project that took place at Castle Air Force Base, following Castle's closure in 1995.

PART G: CHANGES IN AVAILABLE MARKETS FOR RECYCLABLES

Changes in available markets for recyclables have been minimal, and therefore have not affected the Regional Agency's ability to find viable markets for diverted material.

PART H: CHANGES IN THE IMPLEMENTATION SCHEDULE

See PART E, page 5

ADDITIONAL INFORMATION

History of the formation of the Regional Agency

The seven jurisdictions within Merced County developed recycling plans in response to State mandates for achieving 50% diversion of solid waste by the year 2000. These recycling plans, Source Reduction Recycling Elements (SRRE's), were approved by each jurisdiction in 1994. The seven individual recycling plans described regional and individual programs which when implemented were to achieve 50% diversion for each jurisdiction individually.

In 1995 the Solid Waste Policy Board (SWPB) approved the formation of the Regional Agency for the purpose of "regionally" achieving 50%. This action allowed the seven jurisdictions to report diversion compliance as a single entity. The result was a 1995 regional diversion rate of 50%.

The Regional Agency formation permitted a re-evaluation of proposed regional and individual recycling programs. Programs with minimal diversion results were postponed or canceled, and programs with significant diversion potential were implemented or expanded.

Annual Reports to the CIWMB were updated, subsequent to actions taken by the SWPB, to reflect changes in policy regarding program selection and implementation.

Material Recovery Facilities

The most significant program from a cost and diversion-potential perspective was the construction of material recovery facilities (MRF's) at each landfill. After thorough review it was determined that significantly less diversion could be expected and the planning process for these facilities was postponed by the SWPB in June of 1995.

Three Program Strategy adopted by the SWPB in October of 1999

In October of 1999 the SWPB approved a recommendation by staff to adopt a three-program strategy designed to achieve 50% diversion by the year 2000 and beyond on a regional basis. At this time, the planning phases of the MRF's, previously postponed by the SWPB in June of 1995, were moved to a contingency plan.

The suggested compliance strategy included the implementation of curbside yard waste collection within incorporated cities and urban communities in the unincorporated county; expansion of landfill recycling and composting programs; and, utilization of transformation credits.

Based on the Regional Agency's year 2000 and 2001 Annual Reports, this strategy successfully brought the Regional Agency's diversion rate to 49% and 50%, respectively. The Regional Agency expects to maintain, and exceed, the 50% diversion mandate based on additional program implementation in April of 2003.